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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,537	12/04/2003	Eiichi Matsuzaki	03560.003410.	7941
5514 7590 10/27/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER SALCE, JASON P	
			ART UNIT 2421	PAPER NUMBER
			MAIL DATE 10/27/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/726,537	Applicant(s) MATSUZAKI, EIICHI	
	Examiner Jason P. Salce	Art Unit 2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4,5,10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4,5,10 and 11 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/26/2008 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 4-6 and 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 6 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorbatov et al. (U.S. Patent No. 6,792,617) in view of Potrebic (U.S. Patent No. 6,798,971) in further view of Schindler et al. (U.S. Patent No. 6,359,636).

Referring to claim 4, Gorbatov discloses an information processing apparatus for processing program content data and program information data associated with a television broadcast program received via receiving means (**see Figure 1 and Column 2, Line 56 through Column 3, Line 5 for a set-top box/information processing apparatus receiving program content data/television programs and program information/ATVEF enhanced content from a receiving means/headend**).

Gorbatov also discloses display control means for displaying information on display means on the basis of the program information data such that when a program includes a plurality of sub-programs, sub-program information associated with sub-programs is displayed on the display means (**see Column 4, Lines 63-66 for displaying a list of events, wherein the events represent sub-programs disclosed at Column 4, Lines 34-41**).

Gorbatov also discloses processing means for performing a specified process on sub-program content data of a sub-program included in the program content data received by the receiving means (**see Column 4, Lines 61-65 and Column 5, Lines 6-8 for selecting events/sub-programs to register disclosed at Column 4, Lines 34-41**).

Gorbatov also discloses timer-controlled automatic operation setting means for specifying a sub-program indicated by the sub-program information displayed on the display means (**see Column 5, Lines 6-8 for compiling and storing the selected event**) and setting timer-controlled automatic operation for the specified sub-program such that the specified process is to be performed on the specified sub-program at a

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specified time (**see Column 5, Lines 17-26 for setting a recording device to record the selected events at the program segments start time**).

Gorbatov also discloses that the display control means has a first mode in which program information is displayed but the sub-program information is not displayed (**see Column 4, Lines 62-63 for displaying a dedicated TV channel that is used for advertising the availability of program events/sub-programs**) and a second mode in which sub-program information is displayed (**see Column 4, Lines 63-66 for displaying a list of program events/sub-programs**), the display control means being capable of switching the displaying mode between the first mode and the second mode (**see Column 4, lines 62-66 for allowing the user to select an advertising channel to display a list of program events/sub-programs**).

Gorbatov fails to teach displaying sub-program information together with program information, wherein in the first and in the second mode, the display control means displays the program information in the form of a program table on the display means and, in response to a determination that the program includes a plurality of sub-programs, further displays, in the program table, a mark indicating that the program includes a plurality of sub-programs, wherein each of the plurality of sub-programs has a different start time.

Potrebic discloses displaying program information together with sub-program information (**see Figure 2 for displaying program information on channel 2 while displaying sub-program information on channel 10**)

Potrebic also discloses that in a second mode, the display control means displays the program information in the form of a program table on the display means **(again note Figure 2 for displaying program and sub-program information in a program table)** and in response to a determination that the program includes a plurality of sub-programs **(see Column 2, Lines 23-36 for receiving program and sub-program information from various EPG providers and Column 7, Line 43 through Column 8, Line 9 for accessing an EPG and determining which channels display program and sub-program information)**, further displays, in the program table, a mark indicating that the program includes a plurality of sub-programs **(see Figure 2 for channel 10 displaying sub-program information a border mark between sub-program 128a and sub-program 128b, thereby displaying a mark that indicates that a program includes sub-program information)**.

Potrebic also discloses that each of the plurality of sub-programs have a different start time **(see again Figure 2 and Column 7, Line 64 through Column 8, Line 9 for sub-program 128a having a start time of 4:30 and sub-program 128b having a start time of 5:00)**.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the EPG, as taught by Gorbato, using the additional display functionality of the programs and sub-programs, as taught by Potrebic, for the purpose of allowing a viewer to quickly and easily view the segment of interest **(see Column 2, Lines 34-37 of Potrebic)**.

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Gorbatov and Potrebic fail to disclose displaying only program information without sub-program information.

Schindler discloses only displaying program information without sub-program information in a first mode (**see Figure 13 for program guide 1310 and Column 17, Lines 61-66**) and displaying program information with sub-program information in a second mode (**see Column 18, Lines 4-9 for allowing a user to right click on a program cell and display an expanded version of the cell with more detailed information**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the display functionality, as taught by Gorbatov and Potrebic, using the expanded cell functionality allowing a user to view a first and second mode consecutively, as taught by Schindler, for the purpose of providing a more user friendly interface for selecting video streams (**see Column 17, Lines 60-61 of Schindler**).

Referring to claim 10, see the rejection of claim 1 and further note Column 2, Line 59 through Column 3, Line 64 and Figure 1 of Gorbatov for teaching the television program broadcast station and the television receiver used to perform the operations of claim 4.

Referring to claim 11, see the rejection of claims 1 and 10.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gorbatov et al. (U.S. Patent No. 6,792,617) in view of Potrebic (U.S. Patent No. 6,798,971) in further view of Schindler et al. (U.S. Patent No. 6,359,636) in further view of Saib et al. (U.S. Patent No. 6,292,624).

Referring to claim 5, Gorbatov, Potrebic and Schindler disclose all of the limitations of claim 4, but fail to teach that if a sub-program is set to be subjected to a timer-controlled automatic operation by the timer-controlled automatic operation setting means, the display control means changes the form of displaying the mark.

Said discloses that when a timer-controlled operation (record operation) is performed on a program listing, a mark is changed/inserted that represents a video tape icon (**see Figure 8, Column 7, Lines 27-35 and claim 1**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the program cell displaying the program or sub-program, as taught by Gorbatov and Schindler, using the record icon, as taught by Saib, for the purpose of loading or erasing programming data when viewing the electronic guide screen (**see Column 3, Lines 10-12 of Saib**) and notifying the user if a program has been set to be recorded.

Allowable Subject Matter

Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Potrebic fails to disclose that the mark can be accessed to switch the display of the first mode to the second mode and while Schneidewend had been previously used to reject the claim, Schneidewend only teaches accessing a mark on a channel to access other sub-channels, not using a mark on a program to access sub-programs. Therefore, based on the amendments made to the claims where the first and second modes are further defined, Schneidewend cannot be applied to the rejections above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason P Salce/
Primary Examiner, Art Unit 2421

Jason P Salce
Primary Examiner
Art Unit 2421

October 22, 2008